

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ABDUSH DUBOSE,**  
**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**  
**Defendant.**

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**CIVIL ACTION NO. 23-CV-4929**

**ORDER**

AND NOW, this 23rd day of January, 2024, upon consideration of Abdush DuBose's Motion to Proceed *In Forma Pauperis* (ECF No. 4), Prisoner Trust Fund Account Statement (ECF No. 5), and *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Abdush DuBose, #28602-509, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of FDC Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to DuBose's inmate account; or (b) the average monthly balance in DuBose's inmate account for the six-month period immediately preceding the filing of this case. The Warden of FDC Philadelphia or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in DuBose's inmate trust fund account exceeds \$10.00, the Warden of FDC Philadelphia or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to DuBose's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of FDC Philadelphia.
4. The Complaint is **DEEMED** filed.
5. DuBose's Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction for the reasons stated in the Court's Memorandum.
6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ John R. Padova, J.

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John R. Padova, J.